

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE SPOTTED EAGLE

Defendant.

**CR-11-87-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter May 3, 2017. (Doc. 88.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 24, 2017. (Doc. 88 at 3.) Spotted Eagle admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Spotted Eagle's

supervised release. Judge Johnston has recommended that the Court revoke Spotted Eagle's supervised release and commit Spotted Eagle to the custody of the Bureau of Prisons for nine months. (Doc. 88 at 4.) Judge Johnston further has recommended that no supervised release follow Spotted Eagle's term of custody. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Spotted Eagle's violation of his conditions represents a serious breach of the Court's trust. A sentence of nine months custody followed by no supervised release represents a sufficient, but not greater than necessary, sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 88) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant David Lee Spotted Eagle be sentenced to nine months custody followed by no supervised release.

DATED this 18th day of May, 2017.



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Brian Morris  
United States District Court Judge